

HOUSE BILL No. 1639

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11.

Synopsis: Posting notice of voter rights at the polls. Requires that a notice summarizing a voter's rights be posted in every precinct polling place on each election day.

Effective: July 1, 2001.

**Dickinson, Kromkowski, Behning,
Kruzan**

January 17, 2001, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1639

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-3-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) Each county
3 election board shall have printed in at least 14 point type on cards in
4 English, braille, and any other language that the board considers
5 necessary, the following:

6 (1) Instructions for the guidance of voters in preparing their
7 ballots.

8 (2) Instructions explaining the procedure for write-in voting.

9 (3) Write-in voting notice cards that must be posted in each
10 precinct that utilizes a voting machine or ballot card voting
11 system that does not permit write-in voting. The notice cards must
12 direct voters who want to cast write-in votes to request a write-in
13 ballot from an election official.

14 (b) **Each county election board shall have printed in type large**
15 **enough to be easily visible to voters entering the polling place a**
16 **poster at least twenty-four (24) inches by thirty-six (36) inches**
17 **called a "voter's bill of rights" that summarizes a voter's rights.**

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The summary shall be printed in English, braille, Spanish, and any other language that the board considers necessary.

(c) The board shall furnish the number of cards and voter's bill of rights posters it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 2. IC 3-11-3-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23.5. A voter's bill of rights poster required by section 22 of this chapter must state the following:

(1) A person who:

- (A) is at least eighteen (18) years of age on election day;**
- (B) is a United States citizen;**
- (C) has resided in a precinct continuously for at least thirty (30) days before election day; and**
- (D) has registered to vote at least twenty-nine (29) days before election day;**

may vote.

(2) A voter who has registered to vote remains registered until the voter:

- (A) moves to a different address;**
- (B) is convicted of a crime and imprisoned or otherwise lawfully detained; or**
- (C) cancels the voter's registration.**

(3) At the time the polls close, a voter may vote who:

- (A) is in the act of voting;**
- (B) has signed the poll list or passed the challengers and is waiting to vote inside the entrance to the polling place; or**
- (C) is lined up in the chute, an area or pathway fifty (50) feet or less from the entrance to the polling place, waiting to enter the polling place. Poll clerks will ask voters waiting in the chute to line up in a single line and will record the names of these voters.**

(4) If a voter is challenged as not being a legal voter in the precinct, the voter may vote if the voter signs an affidavit that the voter is a legal voter in the precinct, and:

- (A) the voter's name appears on the registration list; or**
- (B) the voter produces one (1) of the following:**
 - (i) a certificate of error under IC 3-7-48;**
 - (ii) an affidavit executed under IC 3-10-10 or IC 3-10-11 (concerning a change of address less than thirty (30)**

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days before election day); or

(iii) an oral or written affirmation under IC 3-10-12 (concerning a change of address within the precinct).

(5) Before entering the voting booth, a voter who is disabled or unable to read and write English may request that someone (other than the voter's employer, an officer of the voter's union, or an agent of the voter's employer or union) accompany the voter into the voting booth to assist the voter in voting.

(6) If the ballot a voter receives does not have the poll clerks' initials in ink on the back or has stray marks, a voter should return the ballot to the poll clerks and request another ballot.

(7) A voter should not make any marks, other than a voting mark, on the ballot or the ballot may not be counted.

(8) If a voter improperly marks a ballot, the voter should return the ballot to the poll clerks and request another ballot.

SECTION 3. IC 3-11-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

(1) securely lock the box;

(2) give one (1) key to the judge of the opposite political party; and

(3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

SECTION 4. IC 3-11-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. On the morning of election day, each precinct election board, the poll clerks, and the

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election sheriffs shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

SECTION 5. IC 3-11-13-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. (a) After the delivery of a ballot card voting system to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballot cards, to determine whether the system is ready for use in accordance with section 16 of this chapter. If a ballot card voting system is not in compliance with that section, the board shall immediately label, set and adjust, and place the system in order or have it done.

(b) While acting under subsection (a), the precinct election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

(d) Before the opening of the polls, the precinct election officers shall compare the ballot cards used in the marking device with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The officers then shall certify that the marking device and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

SECTION 6. IC 3-11-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots, ~~and~~ instruction cards, **and voter's bill of rights posters** posted; and

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- 1 (3) everything put in readiness for the commencement of voting
2 at the opening of the polls.

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